

LAW OFFICES OF
KEVIN J. REDDINGTON

OF COUNSEL
STEPHANIE MARTIN GLENNON

December 18, 2003

Magistrate Judge Joyce London Alexander
United States District Court
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

RE: United States vs. Frederick A. Simone
No. 03-CR-10356-MLW

Dear Judge Alexander:

In accordance with my argument and proffer made to you on December 17th, may I enclose a copy of the docket from the Essex County Superior Court, Commonwealth vs. Frederick Simone. Please note that, as indicated, Mr. Simone pled guilty at a change of plea hearing on November 13, 1987 and the matter was continued to January 4, 1998 by agreement. The matter was further continued from the 4th to the 6th and on the 6th the 15-20 year MCI sentence was imposed. As indicated, there is no indication of defaults.

The docket 11521 was dismissed on defendant's motion on January 6, 1988. The bail remained the same at \$1,000,000.00 surety, \$100,000.00 cash. The case was posted by his father and was returned to him upon the conclusion of the case.

Thank you for your attention.

Very truly yours,


Kevin J. Reddington

KJR/lam
encls
cc: Ernest S. DiNisco, Assistant United States Attorney

AFFIDAVIT OF PATRICIA A. DEJUNEAS, ESQ.

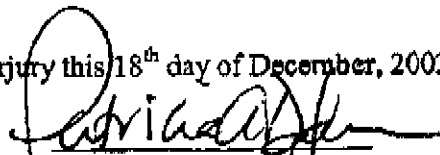
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IN CLERKS OFFICE

2003 DEC 19 P 12:36

I, Patricia A. DeJuneas, hereby depose and say:

1. I, along with Richard M. Egbert, represent Frederick Simone in the case of Commonwealth v. Simone, MICR2001-00049, a criminal case pending in the Middlesex Superior Court.
2. On December 16, 2001, the Framingham District Court released Mr. Simone on \$10,000.00 bail. That bail was later transferred to Superior Court.
3. Since that time, Mr. Simone has appeared in Court as required and has never defaulted.
4. Recently, Superior Court Judge Hamlin excused Mr. Simone from attending several status conferences, noting in open court that Mr. Simone had never before defaulted.

Signed and sworn under pains and penalty of perjury this 18th day of December, 2003:


Patricia A. DeJuneas, Esq.

N^o CR-11522

COMMONWEALTH VS. FREDERICK SIMONE

COMMONWEALTH
OF
MASSACHUSETTS
ESSEX, SS.
SUPERIOR COURT
CRIMINAL
DOCKET

Offense: Conspiracy to Commit Murder (Ch. 27A, sec. 7) Place: Tarrant

Surety and Amount: Personal

PROSECUTOR: Robert Weiner, A.D.A., 70 Washington Street, Salem, 01970 David Grossbaum, A.D.A., Ernest S. DiNisco, Special A.D.A., 1905 T.W. McCormack, Courthouse Bldg., Boston

Counsel: Arthur J. Tacelli, Esq., 13 Bennington St., East Boston, 02128-1799

Justice Disposing of Case: Brady, J.

1986 Dec10 1 Indictment filed

Dec. 12 Robert Weiner, Assistant District Attorney, appears for the Commonwealth
See #2 in CR 11521Arthur J. Tacelli Esq., appears for the defendant. See #3 in CR 11521
Defendant pleads not guilty.

Defendant ordered to recognize personal.

Continued to January 19, 1987.

1987 Rouse, J. presiding: K.Gordon, stenographer

Jan. 20 Continued to February, 2, 1987 by agreement.

Ronan, J. presiding: K.Gordon, stenographer

Feb. 2 Richard M. Egbert Esq., appears for the defendant. See #5 in CR 11521

Pretrial Conference Report filed. See #6 in CR 11521

Continued to March 9, 1987 for motions.

Mar. 9 Ronan, J. presiding: K.Gordon, stenographer

Motions to be filed by March 23, 1987 by agreement.

Continued to April 7, 1987 for hearing on motions.

Ronan, J. presiding: K.Gordon, stenographer

Mar. 20 ORDER Re: Filing of Pleadings. (Brady, J.) All parties notified. See #11 in CR 11521

Mar. 24 NOTICE Re: Conference to be held at Superior Court, Salem on April 7, 1987

at 9:30 A.M. See #12 in CR 11521

Mar. 25 Motion for Extension filed and allowed without a hearing. (Brady, J.)

See #13 in CR 11521

OVER

TRUE COPY, ATTEST
DEPUTY ASST. CLERK

1987		
Apr. 7	Continued to April 17, 1987 for motions.	
	Brady, J. presiding; R. Carroll, stenographer	
Apr. 16	Commonwealth's Memorandum in Opposition to Defendants' Pre-Trial Motions to Dismiss the Indictments and Sever the Trials filed. See #14 in CR 11521	
	Motion to Dismiss and Memorandum in Support of filed. See #15 in CR 11521	
	Defendant's Preliminary Memorandum in Support of His Motion to Sever filed. See #16 in CR 11521	
	Motion to Join in Co-Defendant's Motion filed. See #17 in CR 11521	
	Motion for Bill of Particulars filed. See #18 in CR 11521	
	Motion to file Supplementary Memorandum in Support of Motion to Suppress Evidence Derived from Electronic Surveillance filed. See #19 in CR 11521	
Apr. 17	Defendant's Motion for Discovery and Exculpatory Evidence filed. See #20 in CR 11521	
	Ernest S. DiNisco, Special A.D.A., appears for the Commonwealth. See 21 in CR 11521	
	David Grossbaum, A.D.A., appears for the Commonwealth. See #22 in CR 11521	
	Motion to Continue and Affidavit filed. See #23 in CR 11521	
	Commonwealth's Petition for Leave to Proceed filed. See #24 in CR 11521	
	Brady, J. presiding; R. Carroll, stenographer	
Apr. 22	Motion #15 Denied. (Brady, J.)	
	Motion #17 after hearing Allowed. (Brady, J.)	
	Motion #18 A - The Commonwealth is ordered to supply the Defendant the time, place, names and means of the conspiracy, otherwise the motion is denied. (Brady, J.)	
	Motion #19 Allowed. (Brady, J.)	
	Motion #20 See Ruling. (Brady, J.)	
	Motion to Sever filed and after hearing denied without prejudice.	
	Brady, J. presiding; R. Carroll, stenographer	
	Notice Re: Hearing to be held at Peabody, District Court on May 5, 1987 at 2:00 P.M., Session 3. All parties notified.	
Apr. 23	Rulings on Defendant's Motion for Discovery and Exculpatory Evidence. (Brady, J.)	
Apr. 24	Copies of #15, 17, 18, 19, 20, and 21 to all parties. See #27 in CR 11521	
Apr. 27	Copies of #27 to all parties.	
May 21	Commonwealth's Memorandum in Opposition to Defendant's Motion to Suppress Electronic Surveillance Evidence filed. (Brady, J.) See #28 in CR 11521	
May 29	Motion to Exclude Tapes filed. See #29 in CR 11521	
	Motion to Prohibit Use of Transcripts filed. See #30 in CR 11521	
	Request for hearing filed. See #31 in CR 11521	
June 3	Memorandum in Opposition to Defendants' Motion to Exclude Tapes and Motion to Prohibit Use of Transcripts filed in Court. (Brady, J.) See #32 in CR 11521	

CONTINUED ON PAGE 2

COMMONWEALTH VS. FREDERICK SIMONE

NO. CR-11522
 page 2

Motion for Protective Order filed and after hearing Allowed. See Transcript.
 See #32 in CR 11521

Commonwealth's Answers to Defendant's Discovery Request filed. See #33 in
 Cr 11521

Brady, J. presiding; R. Carroll, stenographer

Memorandum of Decision and Order on Defendant's Consolidated Motion to Suppress
 Evidence and Motion to Dismiss Indictment. All parties notified. See 34 in CR 11521
 (Brady, J.)

Motion #29 DENIED. (See Memo of decision). (Brady, J.)

Motion #30 Allowed. (See Memo of decision). (Brady, J.)

Memorandum of Decision and Order on Defendants' Motions to Exclude Tapes
 and to Prohibit Use of Transcripts. (Brady, J.) All parties notified.
 See #35 in CR 11521

Motion to Admit Evidence filed. See #36 in CR 11521

Motion to Set Trial Date filed. See #37 in CR 11521

Motion #37-Motion allowed as to Anguilo, further hearing to Simone to be
 held on Wednesday, November 4, 1987, at 10:00 A.M.; at Lawrence.

Brady, J. presiding; H. McKenna, stenographer

Motion for Continuance and Affidavit in Support of filed. See #38 in CR 11522

Motion for Joinder of Offenses and Affidavit in Support of filed.
 See #39 in CR 11522

Motion to Limit the Commonwealth's Introduction of "Structure Evidence" and
 Memorandum in Support of filed. See #40 in CR 11522

Motion to Reconsider Denial of Motion to Dismiss Indictment Re: Grand Jury
 Presentation and Memorandum in Support of filed. See #43 in CR 11522

Defendant's Motion to Prohibit Improper References and Terminology filed.
 See #42 in CR 11522

Motion for Ordering of Government's Proof or for Separate Hearing to Determine
 Existence of Conspiracy filed. See #43 in CR 11522

Affidavit in Support of Motion to Sever filed. See #44 in CR 11522

Frederick Simone's Supplemental Memorandum in Support of His Motion to Sever
 Filed. See #45 in CR 11522

Bill of Particulars filed. See #46 in CR 11521

Motion #38 after hearing, Denied. Trial date of November 16, 1987. (Brady, J.)

Motion #39 Allowed, Trial date of November 16, set by Court. (Brady, J.)

Motion to Sever Due to Medical Condition of Defendant, Ilario M.A. Zannino
 and Affidavit in Support of filed in Court. See #47 in CR 11521

Motion to Dismiss on Grounds of Estoppel and Memorandum in Support of filed
 in Court. See #48 in CR 11521

Protective Order. (Brady, J.) See #49 in CR 11521

COMMONWEALTH
 OF
 MASSACHUSETTS
 ESSEX SS.
 SUPERIOR COURT
 CRIMINAL
 DOCKET

APPROVED FOR
 DEPT. ASST. CLERK

1987		Continued to November 10, 1987 for hearing on motions.
Nov. 4		Continued to November 16, 1987 for trial.
		Brady, J. presiding; D. Bolter, stenographer
Nov. 5		Protective Order. (Brady, J.) See #50 in CR 11521
Nov. 10		Motion to Compel Testimony of David Liscio filed and after hearing allowed.
		See #51 in CR 11521
		Notice of Appearance filed. Charles E. Schaub, Jr., Esq., appears for Witness
		David Liscio. See #52 in CR 11521
		Motion #47-Motion deferred until decision on trial of Ilario Zannino. (Brady, J.)
		Motion #48-after hearing, motion is denied. (Brady, J.)
		Brady, J. presiding; A. Green, stenographer
Nov. 13		Change of plea Accepted-Guilty.
		Sentence Stayed to January 4, 1988 by agreement.
		Same bail \$1,000,000. with surety, \$100,000. Cash.
		Passport to be surrendered to probation. Defendant to report weekly by phone
		to Probation by phoning in and probation calling back to location of defendant.
		Non-disclosure ORDER in effect!!
		Brady, J. presiding; A. Green, stenographer
Nov. 17		Motion #40-Motion denied as to Anguilo. (Brady, J.)
		Motion #42 Denied-See transcript as to Anguilo. (Brady, J.)
		Brady, J. presiding; A. Green, stenographer
1988		
Jan. 4		Sentence stayed to January 6, 1988 at 12 noon at Salem by agreement of parties.
		Brady, J. presiding; A. Green, stenographer
Jan. 6	2	SENTENCE: Fifteen to twenty (15-20) years at Massachusetts Correctional Institution,
		Cedar Junction, committed. Credit of 75 days.
		Notified of Right of Appeal.
	3	Victim/Witness Assessment \$25.00-Withdraw from inmate's account.
		Brady, J. presiding; A. Green, stenographer
Jan. 25	4	Received \$25.00 Victim/Witness Fund.
Mar. 4	5	Defendant's Motion to Revise and Revoke and Affidavit filed. Copy to Brady, J.
		and R. Weiner, A.D.A.
1990		
Mar 1	6	Memorandum in Support of Motion to Revise and Revoke filed.
	7	Defendant's Request for Oral Argument filed.
Mar 2	8	Habaeus Corpus issued to Massachusetts Correctional Institution, Norfolk for
		March 9, 1990 at 1:00 P.M.-hearing on Motion to Revise and Revoke. (Brady, J.)
Mar 9		Hearing on Motion to Revise and Revoke-Continued to later date.
		Brady, J. presiding; A. Green, Court Stenographer
Mar 19		Motion #5 Denied. (Brady, J.) Copy to R.M. Ebert, A.D.A. and R. Weiner, A.D.A.

Nº CR-11521

COMMONWEALTH VS. FREDERICK SIMONE

COMMONWEALTH
OF
MASSACHUSETTS
ESSEX, SS.
SUPERIOR COURT
CRIMINAL
DOCKET

Offense: Accessory Before the Fact of Murder (Ch. 27A, Sec. 2)

Place: Lynn

Surety and Amount: Alfred James Simone \$100,000.00 (Cash)

PROSECUTOR: Robert Weiner, A.D.A., 70 Washington Street, Salem, 01970 David Grossbaum, A.D.A.
Ernest S. Dinisco, Special A.D.A., 1905 T.W. McCormack, Courthouse Bldg. Boston

Counsel: Arthur J. Tagelli, Esq., 13 Bennington St., East Boston, 02128-1799
Richard M. Egbert, Esq., 260 Franklin St., Boston

Justice Disposing of Case: Brady, J.

19 86Dec10 1 Indictment filed and Indictment Warrant issued.

Dec. 12 2 Robert Weiner, Assistant District Attorney, appears for the Commonwealth.

3 Arthur J. Tagelli Esq., appears for the defendant.
Defendant pleads not guilty.

4 Defendant ordered to recognize One Million Dollars Cash ONLY set without prejudice.

Continued to January 19, 1987.

1987Jan 20 Rouse, J. presiding: K. Gordon, stenographer

Continued to February, 2, 1987 by agreement.

Feb. 2 5 Ronan, J. presiding: K. Gordon, stenographer

Richard M. Egbert Esq., appears for the defendant.

6 Pretrial Conference Report filed.

Continued to March 9, 1987 for motions.

Feb. 20 Ronan, J. presiding: K. Gordon, stenographer

Defendant's Motion to Reconsider Bail filed in Court

Motion to reconsider bail --- Allowed.

8 Defendant ordered to recognize One Million (\$1,000,000.00) dollars with surety or One Hundred Thousand (\$100,000.00) dollars Cash Bail.

Ronan, J. presiding: K. Gordon, stenographer

Feb. 24 9 Cash Bail Received. One hundred thousand (\$100,000.00) Cash bail posted by Alfred J. Simone (Father).

Motions to filed by March 23, 1987 by agreement.

Mar. 9 Continued to April 7, 1987 for hearing on motions.

Ronan, J. presiding: K. Gordon, stenographer

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1987		
Mar. 20	10	Indictment Warrant issued December 10, 1986 returned.
	11	ORDER Re: Filing of Pleadings. (Brady, J.) All parties notified.
Mar. 24	12	NOTICE Re: Conference to be held at Superior Court, Salem on April 7, 1987 at 9:30 A.M.
Mar. 25	13	Motion for Extension filed and allowed without a hearing. (Brady, J.)
Apr. 7		Continued to April 17, 1987 for motions.
Apr. 16	14	Brady, J. presiding; R. Carroll, stenographer Commonwealth's Memorandum in Opposition to Defendants' Pre-Trial Motions to Dismiss the Indictments and Sever the Trials filed.
	15	Motion to Dismiss and Memorandum in Support of filed.
	16	Defendant's Preliminary Memorandum in Support of His Motion to Sever filed.
	17	Motion to Join in Co-Defendant's Motion filed.
	18	Motion for Bill of Particulars filed.
	19	Motion to file Supplementary Memorandum in Support of Motion to Suppress Evidence Derived from Electronic Surveillance filed.
	20	Defendant's Motion for Discovery and Exculpatory Evidence filed.
Apr. 17	21	Ernest S. Dinisco, Special A.D.A., appears for the Commonwealth.
	22	David Grossbaum, A.D.A., appears for the Commonwealth.
	23	Motion to Continue and Affidavit filed.
	24	Commonwealth's Petition for Leave to Proceed filed.
Apr. 22		Brady, J. presiding; R. Carroll, stenographer Motion #15 Denied. (Brady, J.) Motion #17 after hearing Allowed. (Brady, J.) Motion #18 A - The Commonwealth is ordered to supply the Defendant the time, place, names and means of the conspiracy, otherwise the motion is denied. (Brady, J.) Motion #19 Allowed. (Brady, J.) Motion #20 See Ruling. (Brady, J.)
	25	Motion to Sever filed and after hearing denied without prejudice.
	26	Brady, J. presiding; R. Carroll, stenographer Notice Re: hearing to be held at Peabody, District Court on May 5, 1987 at 2:00 P.M., Session 3. All parties notified.
Apr. 23	27	Rulings on Defendant's Motion for Discovery and Exculpatory Evidence. (Brady, J.)
Apr. 24		Copies of #15, 17, 18, 19, 20, and 21 to all parties.
Apr. 27		Copy of #2 to all parties.
May 21	28	Commonwealth's Memorandum in Opposition to Defendant's Motion to Suppress Electronic Surveillance Evidence filed. (Brady, J.)
May 29	29	Motion to Exclude Tapes filed.
	30	Motion to Prohibit Use of Transcripts filed.
	31	Request for hearing filed.
		CONTINUED ON PAGE 2

1987

Nov. 5 50 Protective Order. (Brady, J.)

Nov. 10 51 Motion to Compel Testimony of David Liscio filed and after hearing, allowed.

52 Notice of Appearance filed. Charles E. Schaub, Jr., Esq., appears for Witness

David Liscio.

Motion #47-Motion deferred until decision on trial of Ilario Zannino. (Brady, J.)

Motion #48-after hearing, motion is denied. (Brady, J.)

Brady, J. presiding; A. Green, stenographer

Continued to January 4, 1988 by agreement.

Nov. 13 53 Brady, J. presiding; A. Green, stenographer

Motion #40-Motion denied as to Anguillo. (Brady, J.)

Motion #42 Denied-See transcript as to Anguillo. (Brady, J.)

Brady, J. presiding; A. Green, stenographer

Continued to January 6, 1988 at 12 noon at Salem by agreement of parties.

Jan. 4 54 Brady, J. presiding; A. Green, stenographer

Motion to Dismiss filed and after hearing, allowed.

Jan. 6 53 Brady, J. presiding; A. Green, stenographer